REMARKS

This is in response to the Office Action dated November 10, 2008. Applicant has amended the application as set forth above. In specific, claim 1 has been amended. All the features of the amended claims are fully supported by the originally filed application. Thus, the amendments do not add new matter to the application. Upon the entry of the amendments, claim 1 is pending in this application. Applicant respectfully requests entry of the amendments and reconsideration of the application.

Discussion of Objection to Drawings

The Examiner objected to Figures 1 and 2 as failing to designate such as -- Prior Art--. In response, Applicant submits amend drawing amendment in separate sheets with the prior art labels. Withdrawal of the objections is respectfully requested.

Discussion of Objection to Specification

The Examiner objected to the specification due to informalities in Page 9, Line 15 (or [0030] of the publication). In response, Applicant has amended the specification by correcting "thickness d" to "thickness t". Withdrawal of the objections is respectfully requested.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected claims 1 and 2 under 35 U.S.C. §103(a) as being unpatentable over the translation of Korean Patent No. 20-0247187 to Gi in view of US Patent No. 5,037,007 to Deussen.

In response, Applicant has amended Claim 1 with the limitation of the original Claim 2 to clarify the inventive points of the independent claim.

Amended Claim 1 (emphasis added)

A dispenser with a sealed dispensing valve unit, which is secured to a mouth of a hermetic casing holding a cream-type cosmetic that is deteriorated by contact with air and has high viscosity, and discharges contents through a center of an upper plate of a button, when the button having a shape of a concave dish is pushed to operate pumping means provided under the button, the dispenser comprising:

an outlet hole bored in a concave central portion of the button, with an inclined inner surface defining a lower portion of the outlet hole and being tapered in a direction from an upper portion to a lower portion of the inclined inner surface, and a vertical inner surface extending from an upper end of the inclined inner surface to a predetermined height; and

a dispensing valve having at a lower portion thereof a funnel-shaped inclined outer surface to selectively come into contact with the inclined inner surface of the outlet hole due to operation of the pumping means, thus opening or closing the outlet hole, with a vertical outer surface extending upwards from an upper end of the inclined outer surface to a predetermined height,

wherein an outer diameter (d) and a height (t) of the vertical outer surface of the dispensing valve are smaller than an inner diameter (D) and a height (T) of the vertical inner surface of the outlet hole, so that some of the contents are filled between the vertical outer surface and the vertical inner surface, thus providing a sealing film.

Claim 1 is Not Obvious over Gi and Deussen

Claim 1 of the present invention comprises a dispenser with a sealed dispensing valve unit, which includes: an outlet hole having an inclined inner surface and a vertical inner surface; and a dispensing valve having a funnel-shaped inclined outer surface and a vertical outer surface, which are configured to provide a sealing film by some left and filled between the vertical outer surface and the vertical inner surface. (See page 9, lines 15-22; page 10, lines 3-19; and page 11, lines 1-12; Figs. 5-7)

In contrast, Gi's device includes a housing, a button, a pumping part, and a separate auxiliary cap. The button 40 includes a stem part 44 and a plate part 45, and the separate auxiliary cap 50 has a cover part 52. (See Abstract, Fig. 2).

Unlike the outlet hole in the present invention, Gi's plate part (45) of the button does NOT have an inclined inner surface or a vertical inner surface extending from an upper end of the inclined inner surface, BUT something partially upside-down structure as shown in Fig. 2.

Further, unlike the dispensing valve in the present invention, Gi's cover part (52) does NOT have a funnel-shaped inclined outer surface and a vertical outer surface extending upwards form an upper end of the inclined outer surface, BUT a plate with a slightly inclined fringe as shown in Fig. 2.

Most of all, due to the lack of the outlet hole and the dispensing valve according to the present invention, Gi's device does not and cannot have the feature of the instant application which discloses that an outer diameter (d) and a height (t) of the vertical outer surface of the dispensing valve are smaller than an inner diameter (D) and a height (T) of the vertical inner surface of the outlet hole, so that some of the contents are filled between the vertical outer surface and the vertical inner surface, thus providing a sealing film. (See Figs. 6 and 7)

The difference in diameters and heights of the dispensing valve and the outlet hole is crucial to provide a sealing film as in Fig. 7. In Gi's device, it is not possible to form a sealing film of the material around and over the separate auxiliary cap (50).

Applicant further submits that Deussen does NOT cure the above deficiency as can be seen in Fig. 2, for example. Considering the piston ring (14) and the inside surface area (19) in Fig. 2, it is apparent that a tip of the piston (13) sticks out above the face (17), hindering from forming a sealing film around and over the gap between the piston (13) and the pumping and dosing chamber (12).

Therefore, Gi, Deussen, or their combination does not teach or suggest the features in structure and associated function of the present invention. Applicant respectfully requests withdrawal of the rejections.

Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that notice of allowance for claim 1 be issued in this case, if required, under *Examiner's Amendment*. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectfully submitted,

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James E. Bame
Regis. No. 44521
Tel: 213-384-7200
IPLA P.A.
3580 Wilshire Blvd 17th Fl.
Los Angeles, CA 90010